



25 MAY 2004

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In re Application of
Hans Martin GUNDNER et al
Application No.: 10/019,491
PCT No.: PCT/SE00/01407
Int. Filing Date: 03 July 2000
Priority Date: 01 July 1999
Attorney's Docket No.: 56087-66481
For: APPARATUS AND METHOD FOR ...
FROM THEFT

: DECISION ON SECOND
:
:
: RENEWED PETITION
:
:
: UNDER 37 CFR 1.47(a)
:
:

This is in response to the "SECOND RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 22 July 2003.

BACKGROUND

In a decision from this Office on 22 May 2003, the renewed petition under 37 CFR 1.47(a) was dismissed. The decision stated that with respect to nonsigning inventor Mr. Loffler it had not been sufficiently demonstrated that he could not be found because Mr. Johansson's declaration failed to show diligent effort to locate inventor Mr. Loffler.

On 22 July 2003, petitioner submitted a "Second Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 22 May 2003 with respect to accepting the above application without the signature of nonsigning inventor Mr. Loffler. Filed with the second renewed petition is a supplemental declaration from Mr. Henrik Johansson, the foreign patent agent who entrusted the undersigned registered patent attorney to enter the national stage in the United States for the above-captioned application.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The second renewed petition filed on 22 July 2003 has satisfied requirement 2 under 37 CFR 1.47(a) with respect to nonsigning inventors.

Mr. Jonasson averments indicate that although a search was conducted by a webbased address search service provided by www.teleauskunft.de and www.das-ortliche-online.de and that he was not able to find an address for Loffler in that manner, he subsequently was able to establish contact with Mr. Loffler via email and obtain Mr. Loffler's new address.

Consequently, the inquiry now turns as to whether the nonsigning inventor refused to sign the required documents after a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) for Mr. Loffler's signature. Mr. Jonasson declares that as soon as the e-mail confirmation of receipt by Mr. Loffler was received, he once again sent by registered mail to Mr. Loffler a complete application text, assignment and Combined Declaration and Power of Attorney documents. The documents were received by Mr. Loffler and he has not executed the required papers. In fact, Mr. Loffler's email of 21 July 2003 explicitly indicates his refusal to sign the required documents.

Accordingly, the steps enumerated by Mr. Jonasson are sufficient to establish that Mr. Loffler has refused to sign the declaration.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 22 April 2002.

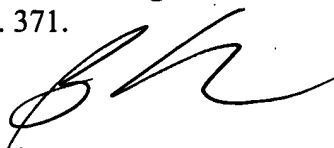
As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459



Boris Milef
PCT Legal Examiner
PCT Legal Office

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Mr. Hans Martin GUNDNER
Wartbergweg 1, D-71672
Marbach, Germany


In re Application of
Hans Martin GUNDNER et al
PCT No.: PCT/SE00/01407
Application No: 10/018,551
Int. Filing Date: 03 July 2000
Priority Date: 01 July 1999
Attorney's Docket No.: 56087-66481
For: APPARATUS AND METHOD FOR SAFEGUARDING
ELECTRONIC EQUIPMENT FROM THEFT

Dear Mr. GUNDNER:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.


Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459


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Mr. Martin VEIT
Rosenstrasse 17, D72124
Pliezhausen, Germany


In re Application of
Hans Martin GUNDNER et al
PCT No.: PCT/SE00/01407
Application No: 10/018,551
Int. Filing Date: 03 July 2000
Priority Date: 01 July 1999
Attorney's Docket No.: 56087-66481
For: APPARATUS AND MEHTOD FOR SAFEGAURDING
ELECTRONIC EQUIOMENT FROM THEFT

Dear Mr. VEIT:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.


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PCT Legal Examiner
PCT Legal Office
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Mr. Andreas LOFFLER
Furtwangerstrasse 14, 71034
Boeblingen, Germany


In re Application of
Hans Martin GUNDNER et al
PCT No.: PCT/SE00/01407
Application No: 10/018,551
Int. Filing Date: 03 July 2000
Priority Date: 01 July 1999
Attorney's Docket No.: 56087-66481
For: APPARATUS AND MEHTOD FOR SAFEGAURDING
ELECTRONIC EQUIOMENT FROM THEFT

Dear Mr. LOFFLER:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.


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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventors whose signatures are missing (Hans Martin GUNDNER, Martin VEIT, Andreas LOFFLER) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/SE00/01407 and was filed on 03 July 2000 in the name of Hans Martin GUNDNER, Martin VEIT, Andreas LOFFLER, Andreas GUNNARSSON, and Mattias FAHLEN for the invention entitled APPARATUS AND METHOD FOR SAFEGUARDING ELECTRONIC EQUIPMENT FROM THEFT. The national stage application number is 10/019,491 and has a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 22 April 2002.